IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7398 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

JUNAGADH NAGARPALIKA

Versus

HIRABEN VINODBHAI

Appearance:

NANAVATY ADVOCATES for Petitioner No. 1

MR HR PRAJAPATI for Respondent No. 1

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 10/09/2001

ORAL JUDGEMENT

Rule. With the consent of the parties, the matter is taken up for final hearing today.

The petitioner-Nagarpalika has challenged the Award of the Labour Court, Junagadh passed in Reference (L.C.R.) No. 254 of 1995. The Labour Court, Junagadh

allowed the reference of the respondent-employee and she was ordered to be reinstated on her original post, with continuity of service and full back wages. The Labour Court has come to the conclusion that the respondent-employee was serving since one-and-half years continuously without any break and without any reason worth the name, her services were terminated by an order dated 14.7.1994. On appreciation of evidence, the Court came to the conclusion that the employee has served for more than 240 days in a particular year. It was accordingly found that the termination order was contrary to the provisions of the Industrial Disputes Act and that the procedure of Section 25-F was not followed. Under the aforesaid circumstances, the order of reinstatement was passed with full back wages. Considering the reasoning given by the Labour Court, it cannot be said that the Court has committed any error of law or of jurisdiction while passing the impugned order. However, the learned Advocate for the respondent-employee has fairly conceded that the respondent is willing to accept Rs.7,500/- towards back wages. Learned Advocate for the petitioner also stated that in view of the order of the Labour Court, the concerned employee has already been reinstated in Service from 16.11.2000. She further stated that, considering the fact that the employee is a widow, the Municipality has agreed to pay Rs.7,500/- as token amount towards full claim of back wages.

Ms.Panchal for the petitioner also further stated that since the concerned employee has already been reinstated in service, the Municipality will abide by the order of the Labour Court so far as reinstatement is concerned. In view of the aforesaid consensus and in view of the peculiar facts and circumstances of the case, especially when the respondent-employee is a widow, the order of the Labour Court is modified to the following effect :-

The order of reinstatement passed by the Labour Court is confirmed. The respondent-employee will be entitled to all other consequential benefits except back wages. Towards back wages, she will be entitled to Rs.7,500/- in all. The Municipality will make the payment of the aforesaid amount within a period of one month from the date of receipt of the writ of this Court. The order of the Labour Court is accordingly modified to the aforesaid extent. Rule is partly made absolute with no order as to costs.

10th September, 2001 (P.B. Majmudar, J.)

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(apj)